

[Submitting Counsel on Signature Page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE JUUL LABS, INC.,  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION**

**Case No. 19-md-02913-WHO**

**TRIAL TESTIMONY AND EXHIBITS  
FROM THE VIDEOTAPED TESTIMONY  
OF BRIAN DAVIDUKE, ALTRIA SENIOR  
DIRECTOR OF ACCOUNTS, PLAYED AT  
TRIAL**

**This Document Relates to:**

***San Francisco Unified School District v.  
Juul Labs, Inc. et al., Case No. 3:19-cv-  
08177***

Plaintiff, by and through its undersigned attorneys, hereby docket the following:

1. **Exhibit 1** is a report of the videotaped testimony of Brian Daviduke, Altria Senior Director of Accounts, that was played to the jury on May 3, 2023. The testimony in blue 00:12:24 and light blue 00:03:10 Plaintiff's affirmative and counter-counter designations.
2. **Exhibit 2**: is a *Joint Stipulation Identifying Trial Exhibits Used In Videotaped Depositions of Brian Daviduke Played at Trial* that sets forth all of the Trial Exhibits from the videotaped testimony of Brian Daviduke admitted into evidence by the Court.

Respectfully submitted,

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# **EXHIBIT 1**

# Daviduke, Brian SFUSD

## FINAL\_PLAYED 05-03-23

### Designation List Report



**Daviduke, Brian**

**2021-05-20**

**Daviduke, Brian**

**2021-05-21**

**Daviduke, Brian**

**2021-09-22**

[PLF AFFIRMATIVE](#)

[00:12:24](#)

[DEF COUNTER](#)

[00:03:33](#)

[PLF COUNTER-COUNTER](#)

[00:03:10](#)

**TOTAL RUN TIME**

**00:19:08**



Documents linked to video:

DAVIDUKE2710

DAVIDUKE2714

DAVIDUKE2718

DAVIDUKE2720

DAVIDUKE2723

DAVIDUKE26127



## DBv14 - Daviduke, Brian SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
12:05 - 12:05	<b>Daviduke, Brian 2021-05-20_WIT</b> 12:05 Q. Good morning	00:00:01	DBv14.1
12:09 - 12:14	<b>Daviduke, Brian 2021-05-20_WIT</b> 12:09 Q. Could you please state and spell your name 12:10 for the record? 12:11 A. My first name is Brian, B-r-i-a-n; last 12:12 name is Daviduke, D-a-v-i-d-u-k-e. 12:13 Q. And where do you currently reside? 12:14 A. Richmond, Virginia.	00:00:17	DBv14.2
25:12 - 25:15	<b>Daviduke, Brian 2021-05-20_WIT</b> 25:12 Q. Brian, what is your current 25:13 position at Altria? 25:14 A. I'm a senior director of accounts in AGDC, 25:15 which is our sales organization.	00:00:10	DBv14.3
26:03 - 26:07	<b>Daviduke, Brian 2021-05-20_WIT</b> 26:03 And how long have you been at AGDC? 26:04 A. I've been in -- in our sales organization 26:05 in a number of fashions for 17 years. The name of 26:06 the company has changed, I think, two or three times, 26:07 but all under the sales organization.	00:00:16	DBv14.4
48:14 - 48:16	<b>Daviduke, Brian 2021-05-20_WIT</b> 48:14 Q. So as we described a moment ago, or 48:15 earlier this morning, in December of 2018, Altria 48:16 obviously acquired an interest in JUUL.	00:00:12	DBv14.5
48:17 - 48:21	<b>Daviduke, Brian 2021-05-20_WIT</b> 48:17 and you in fact of course played a role in providing 48:18 the services in connection with the services 48:19 agreement that JUUL and Altria entered into; is that 48:20 accurate? 48:21 A. That's accurate, yes.	00:00:12	DBv14.6
48:22 - 49:01	<b>Daviduke, Brian 2021-05-20_WIT</b> 48:22 Q. And how long did Altria provide or AGDC 48:23 provide services for JUUL? 48:24 A. A little less than a year. I believe the 48:25 first one started in February of 2019, with the last 49:01 one ending towards the end of 2019.	00:00:20	DBv14.7
50:01 - 50:09	<b>Daviduke, Brian 2021-05-20_WIT</b> 50:01 Q. And in your view, what did the	00:00:35	DBv14.8

**DBv14 - Daviduke, Brian SFUSD FINAL\_PLAYED 05-03-23**

DESIGNATION	SOURCE	DURATION	ID
	50:02 sales services consist of? At a broad level.		
	50:03 A. At a broad level, the -- the first is		
	50:04 providing or selling the ITP merchandising space to		
	50:05 JUUL. Thereafter, it was offering up access to the		
	50:06 same kind of mature infrastructure that we provide to		
	50:07 our other operating companies. So think of that as		
	50:08 visibility, inventory, or promotional support at the		
	50:09 retail level.		
88:09 - 88:15	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:20	DBv14.9
	88:09 Q. what aspect of the acquisition of JUUL		
	88:10 in particular made it exciting for you?		
	88:11 A. I mean, JUUL was a market leader at the		
	88:12 time in the vaping space. And, you know, it was		
	88:13 also, to my knowledge, our biggest and our largest		
	88:14 investment. So that -- that's essentially what made		
	88:15 it exciting.		
134:04 - 135:07	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:01:35	DBv14.10
	134:04 What characteristics did AGDC bring to		
	134:05 bear in the AGDC/JUUL relationship?		
	134:06 A. Yeah. So I would say first, in terms of		
	134:07 benefit, is the scope or breadth that our -- of		
	134:08 stores that our organization covers. We can		
	134:09 typically get to, you know, the majority of volume		
	134:10 within four or five weeks, right? In terms of what's		
	134:11 the store count.		
	134:12 So -- so that's the first, because that		
	134:13 actually allows you to do a lot in terms of		
	134:14 monitoring how your products are performing in		
	134:15 stores, inventory conditions, are retailers priced		
	134:16 right relative to any promotions that you have. So		
	134:17 scope and breadth is the -- the first.		
	134:18 Second, it took us years to develop what		
	134:19 you probably hear me reference time and again as a		
	134:20 mature infrastructure. That prebook system sounds		
	134:21 simple. It's taken years to develop. So -- so		
	134:22 that's -- that's one component.		
	134:23 Our CRM systems, systems our sales		
	134:24 organization uses to track what actions are taken in		
	134:25 stores, so you can see in relatively real time the		
	135:01 progress you're making against an initiative, is		

## DBv14 - Daviduke, Brian SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
	135:02 another kind of benefit of plugging into AGDC.		
	135:03 And then the last thing, I would say, is		
	135:04 that our retail and wholesale partners, we have great		
	135:05 relationships with, which allows us face time, our		
	135:06 access, if you will, to decision-makers with our		
	135:07 trade partners.		
138:07 - 138:11	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:12	DBv14.11
	138:07 Q. And in your view, and where you stand as		
	138:08 senior director of trade marketing, at least for the		
	138:09 time of the JUUL services, did you believe that these		
	138:10 four services were in fact delivered effectively to		
	138:11 JUUL?		
138:13 - 138:14	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:03	DBv14.12
	138:13 THE WITNESS: In terms of what I believe?		
	138:14 Yeah, I do.		
173:13 - 173:25	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:46	DBv14.13
	173:13 Q. And throughout the duration of this		
	173:14 service agreement, speaking of vendors, did you view		
	173:15 Altria, or AGDC in particular, as a vendor or a third		
	173:16 party providing services to JUUL?		
	173:17 A. Typically third parties don't have an		
	173:18 ownership stake or an investment in the company		
	173:19 they're providing services to, so I would draw the		
	173:20 delineation there. I never really felt like we were		
	173:21 a third party.		
	173:22 But we provided -- oh, and I would say		
	173:23 this -- felt like we competed with other third		
	173:24 parties as a -- a service provider. So it might be a		
	173:25 convoluted answer		
174:15 - 174:19	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:17	DBv14.14
	174:15 Q. And in this particular instance, where		
	174:16 AGDC was providing services pursuant to the service		
	174:17 agreement for JUUL during 2019, you wouldn't		
	174:18 characterize that relationship as a third party or		
	174:19 vendor type of relationship, right?		
174:21 - 174:25	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:14	DBv14.15
	174:21 THE WITNESS: I could see the		
	174:22 similarities. We were providing services to		
	174:23 JUUL and charging them for those services, very		

## DBv14 - Daviduke, Brian SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
	174:24 similar to what third parties do for other -- 174:25 for us.		
228:11 - 228:12	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:06	DBv14.16
 DAVIDUKE271 0.1.1	228:11 So I want to now turn your attention to 228:12 what's going to be marked Exhibit 2710.		
229:02 - 229:05	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:11	DBv14.17
 DAVIDUKE271 0.1.2	229:02 Q. on Tuesday,  229:03 August 27th, 2019, at 1:13 p.m., you did in fact send 229:04 this deck to Alex, correct? 229:05 A. Yes.		
229:23 - 230:06	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:23	DBv14.18
 DAVIDUKE271 0.3.1	229:23 this  229:24 at least is about AGDC and conveyed to JUUL; is that 229:25 accurate? 230:01 A. That was the intent. I don't believe or 230:02 I'm not certain if this deck was ever shared directly 230:03 with JLI. 230:04 Q. Okay. So you don't recall actually 230:05 presenting this deck to JLI or JUUL? 230:06 A. Not this deck.		
230:21 - 230:24	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:08	DBv14.19
 DAVIDUKE271 0.4.1	230:21 let's start at what is the		
 DAVIDUKE271 0.4.2	230:22 second page of the deck: "Benefits of using AGDC."  230:23 See that? 230:24 A. Yes.		
234:13 - 234:14	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:07	DBv14.20
 DAVIDUKE271 0.23.1	234:13 there is a slide that's titled "AGDC 234:14 Demonstrating Impact on JUUL Inventory at Retail."		
234:16 - 234:17	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:04	DBv14.21
	234:16 Do you see that particular slide? 234:17 A. Yes.		
234:18 - 234:22	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:10	DBv14.22



## DBv14 - Daviduke, Brian SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
 DAVIDUKE271 0.23.2	234:18 Q. -- we've		DBv14.22
	234:19 discussed some of these concepts before, but there's		
	234:20 a reference to "Distribution Gaps Closed." Do you		
	234:21 see that?		
	234:22 A. I do, yeah.		
234:23 - 235:03	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:13	DBv14.23
 DAVIDUKE271 0.23.3	234:23 Q. at least in		
	234:24 the bottom portion of that graph and depiction,		
	234:25 there's the reference to the 357,000 distribution		
	235:01 gaps closed. That's the same thing we were talking		
	235:02 about before?		
	235:03 A. It is, yes.		
235:20 - 235:24	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:13	DBv14.24
 DAVIDUKE271 0.23.4	235:20 Q. So with respect to the existing		
	235:21 stores that were being serviced, there was an		
	235:22 increase in the actual number of SKUs, from 477,000		
	235:23 to 834,000, correct?		
	235:24 A. Correct.		
238:24 - 239:05	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:25	DBv14.25
 DAVIDUKE271 0.23.6	238:24 Q. And so in terms of the JUUL		
	238:25 5 percent mint 4 pack -- and we discussed a little		
	239:01 bit about this before -- but as a result of Altria's		
	239:02 or AGDC's services, you were able to decrease the		
	239:03 amount of out of stocks by approximately 22 percent		
	239:04 from May to March; is that correct?		
	239:05 A. That's correct.		
241:14 - 241:16	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:05	DBv14.26
 DAVIDUKE271 0.24.3	241:14 there are benefits that are listed		
	241:15 here. See that?		
	241:16 A. Yep.		
242:13 - 242:21	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:29	DBv14.27
	242:13 Are there any other bullets here that		
	242:14 you feel were benefits that were actually realized in		
	242:15 the existing 2019 -- then existing 2019 relationship		


## DBv14 - Daviduke, Brian SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
 DAVIDUKE271 0.24.2	242:16 between JUUL and AGDC? 242:17 A. I would say all of them were realized in 242:18 terms of the output of what was delivered against the 242:19 scope of work. 242:20 Q. Okay. 242:21 A. Yeah, versus JUUL doing it on their own.		
253:09 - 253:11  Clear	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:08	DBv14.28
 DAVIDUKE271 4.1.1	253:09 Q. Let's turn to what will be marked 253:10 as Exhibit 2714. 253:11 (Exhibit 2714 was marked for identification.)		
253:21 - 253:24  DAVIDUKE271 4.1.2	<b>Daviduke, Brian 2021-05-20_WIT</b> 253:21 Q. do you recognize this e-mail 253:22 and attachment, PowerPoint deck, that's dated 253:23 November 19th, 2019? 253:24 A. I do, yes.	00:00:09	DBv14.29
255:08 - 255:10  DAVIDUKE271 4.3.1	<b>Daviduke, Brian 2021-05-20_WIT</b> 255:08 Q. Okay. And so this was a presentation to 255:09 JUUL? 255:10 A. Yes.	00:00:04	DBv14.30
255:22 - 255:25  DAVIDUKE271 4.9.1	<b>Daviduke, Brian 2021-05-20_WIT</b> 255:22 Q. And in 2019, on the second particular,	00:00:16	DBv14.31
 DAVIDUKE271 4.9.2	255:23 there's a list of seven -- at least seven services 255:24 that AGDC performed for JUUL in 2019. Is that 255:25 accurate to say?		
256:01 - 256:01	<b>Daviduke, Brian 2021-05-20_WIT</b> 256:01 A. That's accurate, yes.	00:00:02	DBv14.32
256:08 - 256:12  DAVIDUKE271 4.9.7	<b>Daviduke, Brian 2021-05-20_WIT</b> 256:08 Q. And based on the trends in this chart, is 256:09 it accurate to state that as a result of Altria's 256:10 services that they were providing to JUUL, JUUL's 256:11 retail purchases by net volume increased throughout 256:12 2019?	00:00:14	DBv14.33





## DBv14 - Daviduke, Brian SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
256:14 - 256:20	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:22	DBv14.34
	256:14 THE WITNESS: That's a really complicated		
	256:15 question to answer. JUUL was experiencing		
	256:16 week-over-week volume growth for some time		
	256:17 before AGDC was providing services. And to be		
	256:18 able to attribute any volume or share impact to		
	256:19 the services that we provided is really hard to		
	256:20 do, if not impossible.		
277:02 - 277:07	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:15	DBv14.35
 DAVIDUKE271	277:02 Q. And do you recognize this e-mail?		
8.1.1			
	277:03 A. Vaguely.		
	277:04 Q. Do you have -- well, do you have any		
	277:05 reason to doubt that you in fact sent this to Alex		
	277:06 Cantwell on March 1st, 2019, at 1:54?		
	277:07 A. No reason to believe that I did not.		
277:13 - 277:18	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:13	DBv14.36
 DAVIDUKE271	277:13 Q. - in the		
8.1.2	277:14 underlying e-mail, there's a reference to "latest PO		
	277:15 that McLane made." Do you see that?		
	277:16 A. I see it.		
	277:17 Q. And that's just "purchase order," correct?		
	277:18 A. Correct.		
277:22 - 277:24	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:12	DBv14.37
	277:22 Q. Okay. And who is Alex Cantwell?		
	277:23 A. Alex Cantwell was the VP of strategy --		
	277:24 again, don't hold me to that exact title -- at JUUL.		
278:13 - 278:22	<b>Daviduke, Brian 2021-05-20_WIT</b>	00:00:30	DBv14.38
 DAVIDUKE271	278:13 And can you go ahead and read into the		
8.1.3			
	278:14 record the full sentence of your e-mail to Alex		
	278:15 Cantwell?		
	278:16 A. "Another example of the effectiveness you		
	278:17 are getting for the investment, in the event you need		
	278:18 these with any internal conversations."		
	278:19 Q. And the example that you're referencing in		
 DAVIDUKE271	278:20 your e-mail is of course the underlying e-mail that		
8.1.4			

## DBv14 - Daviduke, Brian SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
	278:21 you received from Mike Jacobs below, correct?		
	278:22 A. Correct.		
295:06 - 295:07	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:03	DBv14.39
 Clear	295:06 Q. Morning, Mr. Daviduke.		
	295:07 A. Morning.		
333:15 - 333:19	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:09	DBv14.40
	333:15 And if we can go now to Tab 5. That's		
 DAVIDUKE272	333:16 Exhibit 2720.		
0.1.1			
	333:17 (Exhibit 2720 was marked for identification.)		
 DAVIDUKE272	333:18 MR. ROUSSAS: That will be Statement of		
0.1.2			
	333:19 Work 14.		
334:13 - 335:04	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:57	DBv14.41
	334:13 Q. So what was the scope of this		
	334:14 statement of work?		
 Clear	334:15 A. So every year we have what we call		
	334:16 retailer council, where we invite a number of		
	334:17 retailers here to Richmond, essentially to hear about		
	334:18 what our operating company strategies are, hear what		
	334:19 their feedback is as well.		
	334:20 And we invited JUUL to participate in		
	334:21 this -- in 2019's retailer council, where they had,		
	334:22 you know, 15 minutes, kind of give their remarks of		
	334:23 what their strategy was, and participate in a		
	334:24 breakout room, and also have a -- kind of a trade		
	334:25 show booth that they communicated what their kind of		
	335:01 focus opportunities were, or their -- communicated,		
	335:02 really, whatever they want to the retailers that		
	335:03 showed up. And I can't speak to what they actually		
	335:04 reviewed at that booth.		
337:02 - 337:04	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:08	DBv14.42
	337:02 Q. Okay. So was JLI the only non-Altria		
	337:03 company there?		
	337:04 A. Yes.		
338:14 - 338:23	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:32	DBv14.43
	338:14 Q. Okay. And would it be fair to say that in		
	338:15 all the years since 2016, JLI is the only non-Altria		
	338:16 company you're aware of to participate in that retail		

## DBv14 - Daviduke, Brian SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
	338:17 council?		
	338:18 A. It's typically best -- a practice of ours		
	338:19 not to engage publicly with any of our competitors,		
	338:20 to not give off the impression of collusion. But we		
	338:21 had an investment in JUUL, and therefore we felt they		
	338:22 weren't a competitor, and invited them to		
	338:23 participate.		
339:05 - 339:08	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:17	DBv14.44
	339:05 Q. Okay. And if I understand what you just		
	339:06 told me as kind of the explanation, AGDC owned a		
	339:07 chunk of JLI, so it did not view JLI as a competitor,		
	339:08 so it invited JLI to the retail council. Fair?		
339:09 - 339:09	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:01	DBv14.45
	339:09 A. Yes.		
441:03 - 441:04	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:06	DBv14.46
	441:03 MR. ROUSSAS: Let's move from		
 DAVIDUKE272	441:04 here to Tab 20.		
3.1.1			
441:12 - 441:19	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:34	DBv14.47
 DAVIDUKE272	441:12 Q. The subject on this is "ELT		
3.1.2			
	441:13 Discussion." What does "ELT" mean?		
	441:14 A. Executive leadership team.		
	441:15 Q. Okay. And April 8, 2019, who were the		
	441:16 executive leadership team?		
	441:17 A. I probably couldn't name all of them. It		
	441:18 would have been Scott's direct boss, CEO, CFO, at the		
	441:19 time, would be the executive team.		
443:02 - 443:07	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:25	DBv14.48
 DAVIDUKE272	443:02 Q. Let's look at the first		
3.2.1			
	443:03 board. And this is "AGDC JUUL Scope of Work Summary		
	443:04 & Impact." So the information that's on this page is		
	443:05 a summary of the scope of work and the impact that		
	443:06 those scopes of work are having, right?		
	443:07 A. That's right.		
449:21 - 449:22	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:11	DBv14.49
 DAVIDUKE272	449:21 Let's turn to the next page, page two of		
3.3.1			

## DBv14 - Daviduke, Brian SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
	449:22 this deck. What does this bar graph demonstrate?		
449:25 - 450:05	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:18	DBv14.50
	449:25 A. So this is speaking to -- I can't recall		
	450:01 which scope of work it was, where JUUL sold the same		
	450:02 prebook to a subset of accounts, and AGDC sold the		
	450:03 prebook to a different set of accounts. And this is		
	450:04 just highlighting where we were at the time in terms		
	450:05 of the selling results.		
450:22 - 450:23	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:03	DBv14.51
	450:22 Q. Why did you think		
	450:23 it would be helpful information for him to have?		
450:25 - 451:09	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:32	DBv14.52
	450:25 THE WITNESS: It could have very well have		
	451:01 been to compare JUUL to AGDC. We did think we		
	451:02 were -- had mature infrastructure to leverage,		
	451:03 and could be more effective at engaging with		
	451:04 retailers.		
	451:05 BY MR. ROUSSAS:		
	451:06 Q. Okay. And it does seem to show that in		
	451:07 all instances, that AGDC has a greater percentage		
	451:08 than JUUL, right?		
	451:09 A. It shows that.		
453:11 - 453:14	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:13	DBv14.53
	453:11 Q. And this says that AGDC -- a		
	453:12 conclusion to take away from this is AGDC, in its		
	453:13 services, can make a difference? They result in more		
	453:14 prebook selling, right?		
453:16 - 453:18	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:08	DBv14.54
	453:16 THE WITNESS: It resulted in more		
	453:17 retailers deciding to bring in, proportionately,		
	453:18 product, correct.		
462:09 - 462:15	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:14	DBv14.55
 DAVIDUKE272	462:09 Q. So the "thank you" that you got		
3.7.2			
	462:10 from Alex here is, "We just had our largest retail		
	462:11 kit order week in history." Right?		
	462:12 A. Yes.		
	462:13 Q. "Thank you and your team for all the		
	462:14 work." Right?		

## DBv14 - Daviduke, Brian SFUSD FINAL\_PLAYED 05-03-23


DESIGNATION	SOURCE	DURATION	ID
	462:15 A. Yes.		
462:16 - 462:18	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:10	DBv14.56
	462:16 Q. So Alex is saying your work resulted in		
	462:17 the largest retail kit order week in JUUL history.		
	462:18 True?		
462:20 - 462:23	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:10	DBv14.57
	462:20 THE WITNESS: That's not how I take it, as		
	462:21 explicit as that. Is he attributing some of our		
	462:22 work, as we only covered a portion of the		
	462:23 stores? Yes.		
465:22 - 466:02	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:14	DBv14.58
 DAVIDUKE272 3.7.3	465:22 The next one down below it, "Trade		
	465:23 Feedback," from 7-Eleven. Would you read that one		
	465:24 for us, please?		
	465:25 A. "We just had our best week ever, even when		
	466:01 you factor in flavored pods. We attribute this to		
	466:02 AGDC."		
548:19 - 549:12	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:38	DBv14.59
 Clear	548:19 Q. And today, does Altria have anything to do		
	548:20 with the shelf space placement of JUUL in retail		
	548:21 stores?		
	548:22 A. None.		
	548:23 Q. And I just want to talk about the field		
	548:24 sales force services as well. Who selected which		
	548:25 field sales force services would be provided?		
	549:01 A. JUUL did.		
	549:02 Q. And who selected when those would be		
	549:03 provided?		
	549:04 A. JUUL did.		
	549:05 Q. Were those services provided in all stores		
	549:06 in which JUUL was in distribution?		
	549:07 A. No.		
	549:08 Q. And who selected those stores?		
	549:09 A. JUUL selected those stores.		
	549:10 Q. When did you begin providing JLI with		
	549:11 sales support services?		
	549:12 A. February of 2019.		
549:24 - 550:01	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:06	DBv14.60

## DBv14 - Daviduke, Brian SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
	549:24 Q. Did you provide any sales support services related to online sales of JUUL products?		DBv14.60
	549:25		
	550:01 A. I did not, no.		
550:25 - 551:07	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:17	DBv14.61
	550:25 Q. Do you continue to provide JLI with sales support services today?		
	551:01		
	551:02 A. No.		
	551:03 Q. When did the sales support services terminate?		
	551:04		
	551:05 A. At the same time, January -- the last		
	551:06 scope of work ended December of 2019. I think ITP		
	551:07 terminated January of 2020.		
551:19 - 551:21	<b>Daviduke, Brian 2021-05-21_WIT</b>	00:00:05	DBv14.62
	551:19 Q. And today, does Altria have anything to do with sales of JUUL in retail stores?		
	551:20		
	551:21 A. None.		
645:12 - 645:13	<b>Daviduke, Brian 2021-09-22_WIT</b>	00:00:07	DBv14.63
 DAVIDUKE261	645:12 MR. KO: Let's now turn to what will be		
27.1.1	645:13 marked as Exhibit 26127.		
645:17 - 645:21	<b>Daviduke, Brian 2021-09-22_WIT</b>	00:00:17	DBv14.64
 DAVIDUKE261	645:17 Q. Exhibit 26127 is an e-mail chain		
27.1.2			
	645:18 between you and Johnathon Barragan, among others,		
	645:19 dated March 14th, 2019.		
	645:20 Do you recognize this e-mail chain, Brian?		
	645:21 A. I do.		
646:21 - 646:25	<b>Daviduke, Brian 2021-09-22_WIT</b>	00:00:13	DBv14.65
 DAVIDUKE261	646:21 Q. And in your e-mail, you talk about how		
27.1.3			
	646:22 some individuals from Juul's sales strategy team		
	646:23 asked you to coordinate a market walk in San		
	646:24 Francisco. Do you see that reference?		
	646:25 A. Yes.		
647:05 - 647:17	<b>Daviduke, Brian 2021-09-22_WIT</b>	00:00:44	DBv14.66
	647:05 Q. And can you describe to the court what the		
	647:06 market walk is and consisted of?		
	647:07 A. Really hitting -- calling on two or three		
	647:08 retail locations, so that Simon, who is the sales		



## DBv14 - Daviduke, Brian SFUSD FINAL\_PLAYED 05-03-23

DESIGNATION	SOURCE	DURATION	ID
	647:09 rep, could kind of execute a -- the elements of a		
	647:10 scope of work with their Juul strategy team present,		
	647:11 to see what the conversation looked like, to see how		
	647:12 the retailers reacted and how long the work took to		
	647:13 execute at retail.		
	647:14 Q. And so did these market walks and/or		
	647:15 meetings, did they -- they actually occur at a retail		
	647:16 store?		
	647:17 A. They did.		
648:21 - 649:02	<b>Daviduke, Brian 2021-09-22_WIT</b>	00:00:25	DBv14.67
 DAVIDUKE261	648:21 Q. And when you are referring to, here		
27.1.5	648:22 in the first bullet, the, quote, tremendous impact		
	648:23 our people are making on behalf of Juul, end quote,		
	648:24 what were you describing when you said that?		
	648:25 A. Specifically remerchandising the space		
	649:01 previously occupied by NuMark with space that Juul		
	649:02 had acquired, and remerchandising Juul in that space.		
649:03 - 649:06	<b>Daviduke, Brian 2021-09-22_WIT</b>	00:00:16	DBv14.68
	649:03 Q. And do you recall, during the 2019 time		
	649:04 period, how many market walks Juul had requested		
	649:05 and/or AGDC did with Juul?		
	649:06 A. I'm only aware of this one.		
655:06 - 655:07	<b>Daviduke, Brian 2021-09-22_WIT</b>	00:00:02	DBv14.69
 Clear	655:06 those are all the		
	655:07 questions that I have.		
655:11 - 655:11	<b>Daviduke, Brian 2021-09-22_WIT</b>	00:00:01	DBv14.70
	655:11 MR. KO: Thank you.		

PLF AFFIRMATIVE	00:12:24
DEF COUNTER	00:03:33
PLF COUNTER-COUNTER	00:03:10
<b>TOTAL RUN TIME</b>	<b>00:19:08</b>



Documents linked to video:  
DAVIDUKE2710



DAVIDUKE2714

DAVIDUKE2718

DAVIDUKE2720

DAVIDUKE2723

DAVIDUKE26127

## **EXHIBIT 2**

[Submitting Counsel on Signature Page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE JUUL LABS, INC.,  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION**

**Case No. 19-md-02913-WHO**

**JOINT STIPULATION IDENTIFYING  
TRIAL EXHIBITS USED IN THE  
VIDEOTAPED DEPOSITION OF BRIAN  
DAVIDUKE PLAYED AT TRIAL**

**This Document Relates to:**

*San Francisco Unified School District v.  
Juul Labs, Inc. et al., Case No. 3:19-cv-  
08177*

**WHEREAS**, Plaintiff called Brian Daviduke, whose videotaped deposition was played to the jury.

**WHEREAS**, the exhibit numbers in the videotaped deposition are different from the Trial Exhibit numbers.

**WHEREAS**, to most efficiently clarify the record, the parties, by and through their undersigned counsel, hereby stipulate and agree that the chart below accurately reflects the deposition exhibits introduced during the videotaped testimony of Brian Daviduke and the corresponding Trial Exhibit Numbers<sup>1</sup>:

<sup>1</sup> The parties reserve all objections regarding these exhibits.

**JOINT STIPULATION IDENTIFYING TRIAL  
EXHIBITS USED IN VIDEOTAPED  
DEPOSITION**



Respectfully submitted,

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